



[4910-13]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program Notice for W. M. Kellogg Airport,  
Battle Creek, Michigan

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the City of Battle Creek, Michigan for W.K. Kellogg Airport under the provisions of 49 U.S.C. 47501 et. seq (Aviation Safety and Noise Abatement Act, herein after referred to as "the Act") and 14 Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as "Part 150") is in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for W.K. Kellogg Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before April 28, 2012.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is November 1, 2011. The public comment period ends December 30, 2011.

FOR FURTHER INFORMATION CONTACT: Katherine S. Delaney, 11677 S. Wayne Road, Suite 107, Romulus, MI 48174, E-mail: Katherine.S.Delaney@faa.gov Phone: 734-229-2900. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces the FAA finds that the noise exposure maps submitted for W.K. Kellogg Airport are in compliance with applicable requirements of Part 150, effective November 1, 2011. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before April 28, 2012. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 of the Act, an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The City of Battle Creek submitted to the FAA on December 20, 2010 noise exposure maps, descriptions and other documentation that were produced during the W.K. Kellogg Airport 14 CFR Part 150 Noise Compatibility Study. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the City of Battle Creek. The specific documentation determined to constitute the noise exposure maps includes: Figure D19 (Existing Noise Exposure Map – 2009); Figure I1 (Future Noise Exposure Map with Existing Land Use -2015); Figure D15 (Southwest Flow INM Flight Tracks); Figure D16 (Northeast Flow INM Flight Tracks); Figure D17 (East/West Flow INM Flight Tracks); Figure D18 (Touch & Go INM Flight Tracks – Fixed Wing). Information pertinent to the aircraft operations, fleet mix, runway utilization, and nighttime use are located in Chapter D, pages D27 through D31. This is

inclusive of all tables. Information about noise monitoring sites is located in Table C11 and pages C27 through C32. The FAA has determined that these maps for W.K. Kellogg Airport are in compliance with applicable requirements. This determination is effective on November 1, 2011. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of 14 CFR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has

relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for W.K. Kellogg Airport, also effective on November 1, 2011. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before April 28, 2012.

The FAA's detailed evaluation will be conducted under the provisions of section 150.33 of Part 150. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments should be sent to Katherine S. Delaney at the address under FOR FURTHER INFORMATION CONTACT. All relevant comments, other than those properly addressed to local land use authorities; will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration

Detroit Airports District Office

11677 S. Wayne Road, Ste. 107

Romulus, MI 48174

8:00 A.M. – 4:30 P.M.

W.K. Kellogg Airport

Mr. Lawrence Bowron

15551 S. Airport Road

Battle Creek, MI 49015

8:00 A.M – 4:30 P.M.

Questions may be directed to the individual named above under the heading,

FOR FURTHER INFORMATION CONTACT.

Issued in Romulus, Michigan, November 1, 2011.

John L. Mayfield, Jr.

Manager, Detroit Airports District Office

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